

1 Michael Lowry
2 Nevada Bar No. 10666
3 Christopher D. Phipps
4 Nevada Bar No. 3788
5 WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP
6 300 South Fourth Street, 11th Floor
7 Las Vegas, Nevada 89101
8 (702) 727-1400; FAX (702) 727-1401
9 Michael.Lowry@wilsonelser.com
10 Christopher.Phipps@wilsonelser.com
11 *Attorneys for Defendant Aloha Airport Express, LLC*

12
13 **UNITED STATES DISTRICT COURT**
14
DISTRICT OF NEVADA

15 SANDRA DE BLANC,

16 Plaintiff,

17 vs.

18 ALOHA AIRPORT EXPRESS, a Foreign Limited
19 Liability Company; does 1 THROUGH 20; ROE
20 BUSINESS ENTITIES 1 through 20, inclusive
21 jointly and severally,

22 Defendants.

23 CASE NO.: 2:18-cv-00151-APG-DJA

24
**STIPULATION AND ORDER TO
EXTEND SUBMISSION DATE OF JOINT
PRETRIAL ORDER (FIRST REQUEST)**

25 Plaintiff SANDAR DE BLANC, by and through her undersigned attorneys of record, Richard
26 Harris, Esq., and Ian Estrada, Esq., of RICHARD HARRIS LAW FIRM, and Defendant ALOHA
27 AIRPORT EXPRESS, by and through its attorney of record, Michael Lowry and Christopher D.
28 Phipps of WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP, hereby submit this
stipulation and order to extend the submission date of the Joint Pretrial Order to November 15, 2019.

1 I. Case Overview.

2 Defendant Aloha Airport Express (“Aloha”) uses 15 passenger vans to operate an airport
3 shuttle service between Lake Havasu City, Arizona, and McCarran International Airport in Las
4 Vegas, with stops in Laughlin. On August 9, 2016, Plaintiff boarded an Aloha shuttle in Laughlin
5 to travel to McCarran. Once the shuttle arrived at the airport, Aloha’s driver placed a step stool next
6 to the entrance of the shuttle so Plaintiff could board the plane. Plaintiff fell from the step stool
7 onto the ground and suffered a fractured right femur. Plaintiff filed this action against Aloha and
8 its driver, Michael Lowry, for negligence and premises liability. The parties have been engaged in
9 pretrial discovery since January 2017. The parties have exchanged witness lists, interrogatories,
10 and Requests for Production of Documents. The parties have also exchanged several joint
11 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
12 and a Motion to Strike Plaintiff’s Damages. The parties have also exchanged several joint
13 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
14 and a Motion to Strike Plaintiff’s Damages. The parties have also exchanged several joint
15 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
16 and a Motion to Strike Plaintiff’s Damages. The parties have also exchanged several joint
17 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
18 and a Motion to Strike Plaintiff’s Damages. The parties have also exchanged several joint
19 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
20 and a Motion to Strike Plaintiff’s Damages. The parties have also exchanged several joint
21 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
22 and a Motion to Strike Plaintiff’s Damages. The parties have also exchanged several joint
23 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
24 and a Motion to Strike Plaintiff’s Damages. The parties have also exchanged several joint
25 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
26 and a Motion to Strike Plaintiff’s Damages. The parties have also exchanged several joint
27 motions, including a Motion to Dismiss Plaintiff’s Complaint, a Motion to Compel Arbitration,
28 and a Motion to Strike Plaintiff’s Damages.

1 to the van to assist passengers in exiting the van. Plaintiff fell as she used the step stool to exit the
2 van.

3 There are competing theories as to why Plaintiff fell using the step stool. Plaintiff alleges
4 that the legs of the step stool collapsed causing her to fall to the pavement. Aloha contends that
5 Plaintiff stepped on the step stool unevenly causing the stool tip over. Aloha's driver, who was
6 assisting Plaintiff as she exited the van, was able to catch Plaintiff and prevent her from falling to
7 the pavement.

8 Plaintiff alleges that Aloha was negligent in maintaining its van in a reasonably safe
9 condition by using an unsafe step stool and by failing to warn Plaintiff of the dangerous condition
10 created by the allegedly unsafe step stool.

11 Aloha denies that step stool was defective and denies that Plaintiff suffered any damages
12 due to Aloha's alleged conduct.

13 **II. Case Status.**

14 Discovery is closed. The court entered an Order Denying Defendant's Motion for Summary
15 Judgment and Granting Defendant's Motion in Limine on September 23, 2019. (ECF No. 41) With
16 the court's ruling, the parties have been able to better evaluate their respective positions for further
17 settlement negotiations. The parties are now actively engaged in negotiations and, therefore,
18 respectfully request an extension through and including November 15, 2019, by which to file the
19 Joint Pretrial Order in order to see if the matter can be resolved in the interim.

20 ////

21 ////

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

1 This is the first request for an extension of the deadline to file the Joint Pretrial Order.

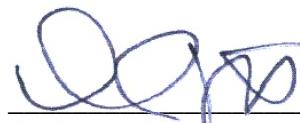
2 Respectfully Submitted,

| | |
|---|---|
| 3 DATED this 31 st day of October, 2019. | 4 DATED this 31 st day of October, 2019. |
| 5 WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP | 6 RICHARD HARRIS LAW FIRM |
| 6 <u>/s/ Christopher D. Phipps</u> | 7 <u>/s/ Ian Estrada</u> |
| 7 MICHAEL LOWRY | 8 Richard Harris, Esq. |
| 8 Nevada Bar No. 10666 | 9 Ian Estrada, Esq. |
| 9 CHRISTOPHER D. PHIPPS | 10 801 S. 4 th Street |
| 10 Nevada Bar No. 3788 | 11 Las Vegas, Nevada 89101 |
| 11 300 South Fourth Street, 11 th Floor | 12 <i>Attorneys for Plaintiff</i> |
| 12 Las Vegas, Nevada 89101-6014 | |
| 13 Tel: 702.727.1400/Fax: 702.727.1401 | |
| 14 Attorneys for Aloha Airport Express | |

11 **III. ORDER**

12 Based upon the stipulation above, the deadline by which the parties must file the Joint
13 Pretrial Order is hereby extended to November 15, 2019.

14 DATED: November 4, 2019.

15 
16 _____

17 United States Magistrate Judge